Reservation for SCs, STs and OBCs

839. SHRI T.K. RANGARAJAN: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether Government is aware of the recent Supreme Court ruling that the migrated SCs, STs, and OBCs cannot claim benefits of reservation unless their State of domicile recognize their status as reserved community;

(b) if so, whether this would result in denial of large sections of reserved communities the benefits of reservation;

(c) if so, whether the Government contemplate bringing in legislation to recognized the migrant reserved communities in their state of domicile too; and

(d) if so, the details thereto and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI D. NAPOLEON): (a) to (d) The Supreme Court, in Civil Appeal No. 5092 of 2009 (Subhash Chandra and Anr. *Vs.* Delhi Subordinate Services Selection Board and Ors.) and W.P. (C) No. 507 of 2006 (Sarv Rural and Urban Welfare Society *Vs.* Union of India), has given their judgment, dated 04.08.2009. The Apex Court has held that in accordance with provisions of Articles 341 and 342 of the Constitution of India, specification of community as a Scheduled Caste and a Scheduled Tribe, respectively, is in regard to a State/Union Territory.

As such, for such communities, which are included in the various Constitution (Scheduled Castes) Orders and Constitution (Scheduled Tribes) Orders, as amended from time to time, in relation to a specific State/Union Territory, there would be no denial of benefits as admissible to them in the State/Union Territory of their origin.

Scheme for giving incentive to physically challenged persons

840. SHRI T.T.V. DHINAKARAN: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the scheme for giving incentive for providing employment to physically challenged persons has not taken off;

(b) if so, the reasons therefor; and

(c) the action taken to attract the employers?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI D. NAPOLEON): (a) and (b) The Scheme of Incentives to the Private Sector for Employment of Physically Challenged Persons has already been launched, *w.e.f.* 01.04.2008. Under this Scheme, the Government of India provides the employer's contribution for Employees Provident Fund (EPF) and Employees State Insurance (ESI) for 3 years, for physically challenged employees employed in the private sector on or after 01.04.2008, with a monthly salary upto Rs. 25,000/-. Under the scheme 144 persons have been covered by Employees Provident Fund Organisation and 261 persons have been covered by Employees State Insurance Corporation till 30.09.2009.